

with said first axis;". The deletion of ", said hand grip defining a second axis, said second axis defining with said first axis an angle no greater than substantially 90 degrees" is supported by FIGS. 1-3 and 7 of the specification. Furthermore, the addition of "said hand supported implement defining a horizontal second axis, said horizontal second axis forming an angle with said first axis;" is supported by FIGS. 1-3 and 7 of the specification.

Claim 32 has been amended by deleting "at the top end". The deletion of "at the top end" is supported by FIGS. 1- 7 of the specification.

Claim 38 has been amended by deleting "The ergonomic handle as defined in claim 29" and adding "An ergonomic handle for stabilized lifting, carrying and tilting of a hand supported implement comprising:

an elongated body portion having a first end and a second end and defining a first axis, said first end including a forearm support member having upwardly directed lateral support members for engaging a user's forearm for inhibiting motion of said forearm;

said body portion having a hand grip adjacent said second end, said hand grip defining a second axis, said second axis defining with said first axis an angle no greater than substantially 90 degrees; and

said hand grip being positioned on said body portion so as to receive said user's gripping hand such that said user's wrist is in a substantially unrotated state,". The deletion of "The ergonomic handle as defined in claim 29" is supported by FIGS. 1-7 of the specification.

Moreover, the addition of "An ergonomic handle for stabilized lifting, carrying and tilting of a hand supported implement comprising:

an elongated body portion having a first end and a second end and defining a first axis, said first end including a forearm support member having upwardly directed lateral support members for engaging a user's forearm for inhibiting motion of said forearm;

said body portion having a hand grip adjacent said second end, said hand grip defining a second axis, said second axis defining with said first axis an angle no greater than substantially 90 degrees; and

said hand grip being positioned on said body portion so as to receive said user's gripping hand such that said user's wrist is in a substantially unrotated state," is supported by FIGS. 1-7 of the specification.

Claim 40 has been amended by deleting "member" and "and a". The deletion of "member" and "and a" is supported by FIGS. 1-7 of the specification. Furthermore, the words "portion", "an upright", and "; and an elongated body disposed between said forearm support member and said upright handle and defining an axis, said axis forming an angle with said horizontal plane" have been added to Claim 40. The addition of the words "portion", "an upright", and "; and an elongated body disposed between said forearm support member and said upright handle and defining an axis, said axis forming an angle with said horizontal plane" is supported by FIGS. 1-3 and 7 of the specification.

Claim 44 has been amended by deleting "and a" and adding "an upright" and "; and said hand supported implement defining a horizontal second axis, said second axis forming an angle with said axis defined by said user's forearm". The deletion of "and a" is supported by FIGS. 1-7 of the specification. Furthermore, the addition of "an upright" and "; and said hand supported implement defining a horizontal second axis, said second axis forming an angle with said axis defined by said user's forearm" is supported by FIGS. 1-3 and 7 of the specification.

Claim 32 stands rejected under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner indicated that there was insufficient antecedent basis for the limitation "the top end" in Claim 32. Applicants have amended Claim 32 to remove "at the top end."

Claims 29-31, 33-37 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,774,937 to Caminos. Further, Claims 29, 31, 32, 34, 36, 39-41, 43 and 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,372,510 to Arsenault. In addition, Claims 29, 31, 32, 34-36 and 39-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,924,924 to Stewart. Moreover, Claims

29-32, 34-37 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,529,357 to Hoffman. To anticipate these claims, the Caminos, Arsenault, Stewart and Hoffman references must disclose each element of the various claims. Applicants have amended Claims 29, 40 and 44 to distinguish their invention from those disclosed in Caminos, Arsenault, Stewart and Hoffman

In particular, Claim 29 has been amended to include the additional limitation of "said hand supported implement defining a horizontal second axis, said horizontal second axis forming an angle with said first axis." Claim 40 has been amended to correct typographical errors and include the additional limitation of "an elongated body disposed between said forearm support member and said upright handle and defining an axis, said axis forming an angle with said horizontal plane." Furthermore, Claim 44 has been amended to correct a typographical error and include the additional limitation of "said hand supported implement defining a horizontal second axis, said second axis forming an angle with said axis defined by said user's forearm." Since these new limitations contained in Claims 29, 40 and 44 are not disclosed in either Caminos, Arsenault, Stewart or Hoffman, Claims 29, 40 and 44 are not anticipated. Whereas in Caminos, Arsenault, Stewart and Hoffman, the disclosed elongated body is in the same plane as the hand supported implement, in amended Claims 29, 40 and 44, the elongated body or user's forearm is at an angle with respect to the hand supported implement. Given that the elongated body or user's forearm is at an angle with respect to the hand supported implement in amended Claims 29, 40 and 44, the weight of the hand supported implement is redistributed uniformly over a user's forearm, which permits superior leverage and prevents slippage. The inventions disclosed in Caminos, Arsenault, Stewart and Hoffman do not recognize this benefit. Thus, Claim 29, 40 and 44 as amended are not anticipated nor rendered obvious in view of the cited prior art and are patentable in view of the cited references taken alone or in combination. Since Claims 30-37, 39 and 41-43 depend from Claims 29, 40 and 44, they are also patentable for the same reason.

Accordingly, the Examiner is respectfully requested to withdraw his rejections of Claims 29-37 and 39-44.

Claims 35, 36, 42 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arsenault in view of either Caminos or Stewart. In order to render Claims 35, 36, 42 and 43 obvious, the cited references must disclose, teach or suggest all claimed features. In addition, there must be some motivation or suggestion to combine the references. As explained above, Claim 29 has been amended to include the additional limitation of "said hand supported implement defining a horizontal second axis, said horizontal second axis forming an angle with said first axis." and Claim 40 has been amended to include the additional limitation of "an elongated body disposed between said forearm support member and said upright handle and defining an axis, said axis forming an angle with said horizontal plane." Since these additional limitations of Claims 29 and 40 are neither disclosed by Arsenault, Caminos nor Stewart taken alone or in combination, Claims 29 and 40 are patentable. Given that Claims 35, 36, 42 and 43 depend from Claims 29 and 40, they are also patentable for the same reason.


Finally, although the Examiner objected to Claim 38 as being dependent upon a rejected base claim, he indicated that it would be allowable if rewritten in independent form including all of the limitations of the base claim. Accordingly, Claim 38 has been rewritten in independent form as suggested by the Examiner.

For all the foregoing reasons, Claims 1-44 are in condition for allowance. Favorable and early reconsideration and allowance of this application is respectfully requested.

If any additional fee is required to preserve the pendency of this application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 500675.

Respectfully submitted,
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Dated: April 10, 2003
New York, New York

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